

**IN THE UNITED STATES DISTRICT COURT  
DISTRICT OF SOUTH CAROLINA**

Jana Crawford Witt,

Plaintiff,

vs.

Nancy A. Berryhill, Acting Commissioner  
of Social Security,

Defendant.

Civil Action No. 9:17-379-RMG

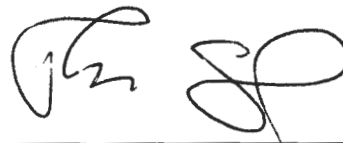
**ORDER**

This matter comes before the Court for judicial review of the final decision of the Commissioner of Social Security denying Plaintiff's application for Disability Insurance Benefits ("DIB"). In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02, D.S.C., this matter was referred to the United States Magistrate Judge for pretrial handling. The Magistrate Judge issued a Report and Recommendation (R & R) on March 29, 2018, recommending that the decision of the Commissioner be reversed and remanded to the agency because no fact finder had weighed and reconciled new and material evidence offered for the first time to the Appeals Council by Plaintiff's primary treating physician, Dr. John Holman, as required by *Meyer v. Astrue*, 662 F. 3d 700 (4<sup>th</sup> Cir. 2011). (Dkt. No. 23). Additional new and material evidence from Dr. Holman was also provided to the Court during the pendency of this appeal. (Dkt. No. 19-2). This new evidence corroborates Plaintiff's testimony regarding her limited capacity to sit, stand and walk due to her multiple severe impairments and addresses the Administrative Law Judge's concern that no treating physician of the claimant had placed any restrictions on her. (Tr. 21, 979; Dkt.

No. 19-2). The Commissioner has advised the Court that she does not intend to file objections to the R & R. (Dkt. No. 25).

The Court has reviewed the R & R and the record evidence and finds that the Magistrate Judge has ably addressed the factual and legal issues in this matter. Therefore, the Court **ADOPTS** the Report and Recommendation as the order of this Court, **REVERSES** the decision of the Commissioner pursuant to Sentence Four of 42 U.S.C. § 405(g), and **REMANDS** the matter to the Commissioner for further proceedings consistent with this order.

AND IT IS SO ORDERED.

A handwritten signature in black ink, consisting of stylized initials 'RMG' followed by a large, loopy 'G'.

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Richard Mark Gergel  
United States District Judge

Charleston, South Carolina  
April 19, 2018